



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Office of the Secretary of State

☐ Permanent Rule
☒ Emergency Rule

Effective date of rule:

Permanent Rules

☐ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: To provide rules for minor party and independent candidate nominating conventions and filing dates because the period of time for conventions established in RCW 29A.20.121 had passed prior to the July 15, 2005, ruling in *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

Statutory authority for adoption: RCW 29A.04.611

Other authority : *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____ (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: A judge ruled Initiative 872's version of the top two primary is unconstitutional. Washington State will hold a pick-a-party primary, modeled after the Montana primary, in September 2005. See *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005); page 38, lines 17-18 state, "Therefore, the law as it existed before the passage of Initiative 872, including the Montana primary system, stands as if Initiative 872 had never been approved."

Date adopted:

June 20, 2005

NAME (TYPE OR PRINT)

Sam Reed

SIGNATURE

Sam Reed

TITLE

Secretary of State

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 20 2005

TIME

WSR

8:50

05-15-158

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____
		_____		_____		

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>2</u>	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	<u>2</u>	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 434-215-120 Minor party and independent candidates--Nominating conventions. To qualify for the 2005 general election ballot, minor party and independent candidates must hold a nominating convention during the period of time specified in RCW 29A.20.121 or between August 13, 2005, and August 20, 2005. Consistent with RCW 29A.20.121(4), signatures of the requisite number of registered voters must be obtained at a single convention if the nomination is for an office other than president and vice-president, United States senator, United States representative, or statewide office.

Note: This section is adopted because the period of time for holding minor party and independent candidate conventions established in RCW 29A.20.121 had passed prior to the July 15, 2005, ruling in *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

NEW SECTION

WAC 434-215-125 Minor party and independent candidates--Filing requirements. Minor party and independent candidates who held a nominating convention during the period of time specified in RCW 29A.20.121 may file the nominating documents, a declaration of candidacy, and the filing fee with the appropriate filing officer either during the week specified in RCW 29A.24.050 or no later than August 26, 2005. Minor party and independent candidates who hold a nominating convention during the period of time specified in WAC 434-215-120 must file the nominating documents, a declaration of candidacy, and the filing fee with the appropriate filing officer no later than August 26, 2005.

Note: This section is adopted because the period of time for holding minor party and independent candidate conventions established in RCW 29A.20.121 had passed prior to the July 15, 2005, ruling in *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).